

REMARKS/ARGUMENTS

Reconsideration of the above-identified patent application in view of the amendments above and the remarks following is respectfully requested.

Claims 18-28 are in this case. Claim 18 has been rejected under § 101. Claims 18-20, 22, 24, and 27-28 have been rejected under § 103(a). Claims 18, 19-24 are currently amended.

The claims are drawn to a fully automated method for improving a patient's emotional state by way of a computer-aided system configured to receive patient perceived emotional-profile data including emotional attributes and weighting factors, to reduce inherent bias in the unscreened, patient-provided personal profile data, and to present the patient with a treatment option. The treatment option is chosen from a database containing treatment options associated with similar emotional-profiles.

Applicant would like to take this opportunity to thank Examiner Bruk Gebremichael and the Primary Examiner, Cameron Saadat, for speaking with Applicant's representative on Thursday, August 20th. Applicant has proceeded to implement the Examiner's suggestions.

Claims Objection

The Examiner has pointed out a typographical error in claim 18. The term "so as convert" has been removed from the claim as a part of the current amendment. Applicant believes the claim set to now be free of such deficiencies.

§ 101 Rejections

The Examiner stated: *"that the body of claim appears to be with regard to any statutory element that would be utilized to implement the method steps."*

Applicant has amended to claim 18 so that the body of the claim includes a statutory element of "a computer" as may be seen in the following relevant excerpt from claim 18:

- a. receiving emotional-profile data from the patient by way of a computer, said emotional data including:
 - i. attributes of emotion perceived by the patient as influencing his general emotional state,
 - ii. a weighting factor for each of said attributes of emotion perceived by the patient representing a degree of influence each of said attributes of emotion bears on his general emotional state,
- b. receiving from the patient user by way of the computer an emotion feeling input representing the ~~emotion~~ emotional feeling of the patient user at a particular moment,

Applicant believes amended claim 18 to now be directed towards statutory material.

§ 103(a) Rejections-Snyder 4,931,934 in view of Lonski 6,338,039

The Examiner has rejected dependent Claims 18-20, 22, 24 and 27-28 under § 103(a) as being unpatentable over Snyder 4,931,934 in view of Lonski 6,338,039.

The Examiner's rejection is respectfully traversed; however, for the sake of expediting the prosecution Applicant has amended independent claim 18 by adding the claim limitation of:

"...said first algorithm including a personal user learning mechanism for reducing bias inherent in the emotional-profile

data received from the patient based during prior usage of said computer by the patient..."

The Examiner asserts that: *"one skilled in the art at the time of the invention would modify the invention of Snyder in view of Lonski by incorporating algorithms used to formulate treatment plans in order to efficiently generate the best treatment plan to a given patient based on his/her collected data so that the system would increase the patient's chance for improvement."*

Applicant respectfully brings the Examiner's attention to the system described by Snyder as being directed for "measuring emotional response that reliably produces objective and predictive data regarding human behavior" (column 2, lines 6-9). Lonski teaches a system directed at generating a treatment plan generated from data carefully selected by medical care professionals as stated in Column 5, lines 11-13:

"...the caregiver will select an emotional issue which the caregiver deems is a relevant stimulus or precipitant to the problem..." (Emphasis added)

There is a sharp contrast between the systems disclosed in the cited prior art references and the currently claimed invention. The systems of the cited prior art references either disclose a system not directed towards the generation of treatment plans, where user-provided, emotional-profile data suffices or disclose a system directed towards the generation of treatment plans where only data carefully selected by medical professionals suffices. The currently claimed invention is directed towards the generation of treatment plans based on data inputted by the patient-user himself. The personal user learning mechanism based on the user's prior use of the device reduces the bias inherent in the emotional-profile data so as to form a self-administered method for improving the patient's emotional state. The combination of the cited prior art references

does not disclose any personal user learning mechanism based on prior usage of the system by the patient

Support for the amendments are found generally in the Specification, and specifically the substantive amendments are found as noted:

Page 1, lines 5-9 discloses support for amendments:
"self-administered"; "by the patient "

Page 3, lines 57-59 discloses support for amendment.
"computer"

Page 9, lines 236-237 discloses support for amendment:
"...said first algorithm including a personal user learning mechanism for reducing bias inherent in the emotional-profile data received from the patient based during prior usage of said computer by the patient..."

Page 6, lines 173-174 discloses support for amendment:
"...presenting by way of the computer a recommended course of action...."

Page 2, lines 39-43 discloses support for amendment:
"said second algorithm being configured to present said recommended course of action based on at least one database of treatment options associated with emotional data. "

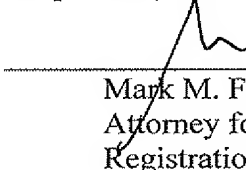
The additional amendments of independent claim 18 and dependent claims 19-24 are directed towards adding clarity to the claim language; support is found in the specification as mentioned above.

In light of the above remarks and amendments, amended independent Claim 18 and dependent Claims 19-28 depending therefrom, Applicant asserts

that the current application is in a state of allowance and therefore a timely

Notice of Allowance is respectfully solicited.

Respectfully submitted,



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